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PATENT

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IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants:) I hereby certify that this
Reichenbach et al.) paper is being deposited
Serial No.: 09/313,524) with the United States
Filed: May 17, 1999) Postal Service as first
For: EPOTHILONES C, D, E) class mail, postage
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Group Art Unit: 1754) Commissioner for Patents,
Examiner:) Washington, DC 20231 on
October 27, 2000
James P. Zeller
Reg. No. 28,491

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This paper is in response to the official action of September 27, 2000, setting forth a six-way restriction requirement. The restriction requirement is respectfully traversed. Reconsideration is requested.

Claims 1-16 are at issue. Restriction has been required between six groups on the basis that the inventions of these groups "lack the same or corresponding technical features" since the compounds allegedly "have different structural features, method of manufacture and numerous uses."

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Group I (claims 1-4) is drawn to epothilones C and D. Group V (claim 15) is directed to a composition comprising at least one compound according to claim 1, optionally in addition to at least one carrier and/or diluent. Group VI (claim 16), contrary to the examiner's assertion, is **not** drawn to a method; rather, it is drawn to a therapeutic composition comprising at least one compound according to claim 1, optionally in addition to at least one carrier and/or diluent.

Therefore, it is urged that the claims of at least Groups I, V, and VI are directed to a single general inventive concept as claims 1, 2, 15, and 16 all incorporate the same structural limitation of epothilone C. Further, the examiner has grouped claims 3 and 4 (epothilone D) with claims 1 and 2, and it is urged, therefore, that claims 1-4, 15 and 16 should be grouped together for the purposes of examination since they share structural features.

Reconsideration and withdrawal of the restriction requirement, at least to the extent indicated, is believed to be in order and is solicited.

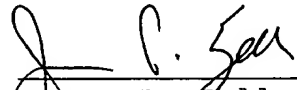
In the interest of completeness, the applicants
elect Group VI (claim 16) for prosecution.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN

October 27, 2000

By


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